



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT: Mark C. Pace & Thomas W. Cook  
APPLICATION NO.: 09/782,616  
FILING DATE: February 12, 2001  
TITLE: AUTOMATED SERVICE SCHEDULING SYSTEM  
CONFIRMATION NO: 9755  
EXAMINER: Scott E. Jones  
GROUP ART UNIT: 3713  
ATTY. DKT. NO.: 19538-05563

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: September 7, 2004

By:

Robert A. Hulse, Reg. No. 48,473

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESPONSE D

Sir:

The following remarks are made in response to the Office Action mailed August 18, 2004. Claims 1, 3-23, 25-69, and 71-111 were presented for examination and pending in this application. In the latest Office Action, claims 1, 3-23, 25-69, and 71-111 were rejected.

The claims were rejected as anticipated by U.S. Patent No. 6,383,077 to Kweitko; however, Kweitko does not qualify as prior art under 35 U.S.C. § 102(e) because the claimed subject matter was invented before Kweitko's effective date of October 3, 2000. Applicants

respectfully submit that the claimed invention was reduced to practice before Kweitko's effective date. Applicants further submit that the claimed invention was conceived of before Kweitko's effective date and that an application therefor was prepared and filed with due diligence from before Kweitko's effective date to the filing of related U.S. Provisional Application No. 60/245,903. To antedate Kweitko and thus overcome the rejection based thereon, Applicants submit herewith a declaration and supporting exhibit pursuant to 37 C.F.R. § 1.131.

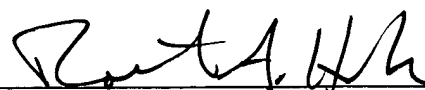
A provisional nonstatutory double patenting rejection was also made based on related U.S. Application No. 09/782,677. Because the provisional double patenting rejection is the only remaining rejection, that rejection should be withdrawn and the application advanced to allowance. See MPEP 804. If deemed appropriate, a double patenting rejection can be made in the related application.

It is believed that the application is in condition for allowance of all claims, and therefore an early Notice of Allowance is respectfully requested. If the Examiner believes that for any reason direct contact with Applicants' representative would help advance the prosecution of this case to allowance, the Examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

MARK C. PACE & THOMAS W. COOK

Dated: September 7, 2004

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